

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

**03 MDL 1570 (RCC)
(ECF CASE)**

This document relates to:

THOMAS BURNETT, *et al*,

v.

AL BARAKA INVESTMENT &
DEVELOPMENT CORP., *et al*.

03 CV 9849 (RCC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 45(c)(3)(A) and 26(c)(1), Yassin Abdullah Al Kadi, by and through undersigned counsel, will move this court, before the Honorable Richard Conway Casey, at the United States Courthouse, 500 Pearl Street, New York New York 10007, on a date and at a time to be determined by the Court, for a protective order quashing the subpoena *duces tecum* issued by Plaintiffs to Citibank FSB on June 23, 2004 to the extent that it seeks documents relating to Mr. Kadi, and for such other and further relief as may be just and proper. A memorandum of law and declaration in support of this Motion are submitted herewith.

Dated: July 1, 2004

MCDERMOTT WILL & EMERY LLP

By: /s/ Thomas P. Steindler

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